

**IN UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK**

Nicole M. Frye, Administrator of the	:	TRIAL BY JURY
Estate of James M. Huber	:	
45 Crestwood Ln.	:	CIVIL ACTION NO. 22-597
North East, PA, 16428	:	
Plaintiff.	:	
	:	
v.	:	
	:	
Anthony Nigro	:	
3331 Trooper Paul Kurdys Way	:	
Buffalo, NY 14225	:	
Defendant.	:	

NOTICE OF MOTION

MOTION BY: Plaintiff, Nicole M. Frye, as Administrator of the Estate of James Huber, a/k/a James Huber, by and through her attorneys, Levin & Zeiger LLP, Brian J. Zeiger, Esquire

RELIEF SOUGHT: An Order, approving the proposed settlement in all respects, and providing for payment from the settlement proceeds of the expenses incurred by Levin & Zeiger LLP in connection with the prosecution of this action; providing for the payment of attorneys' fees to Levin & Zeiger LLP; and directing the Administrator to apply to the Court of Common Pleas, Commonwealth of Pennsylvania, for an Order of Distribution of the net proceeds of the settlement, pursuant to Title 20 of Pennsylvania's Decedents, Estates and Fiduciaries Law, together with such other and further relief as may appear to this Court to be just and proper in the circumstances.

SUPPORTING PAPERS: Affirmation of Brian J. Zeiger, Esquire, affirmed the 8th day of May, 2024, and the Affidavit of the Plaintiff, Nicole M. Frye, sworn to on the 8th day of May, 2024, with accompanying Exhibit A.

RETURN DATE: To be determined by the Court at the United States District Court, Western District of New York, U.S. District Courthouse, 2 Niagara Square, Buffalo, New York.

RAISE OF MOTION: Local Rule of Civil Procedure 41(a)(2); and 28 U.S.C. §§2677 and 2678.

Respectfully,

Date: May 8, 2024

/s/ Brian J. Zeiger

By: BRIAN J. ZEIGER, ESQUIRE

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